

Settlement, 5

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

Master File No. 1:00 - 1898  
MDL 1358 (SAS)  
M21-88

This document relates to the following case:  
*Basso, et al. v. Sunoco, Inc., et al.*, 03 Civ. 9050

~~[PROPOSED] ORDER APPROVING SETTLEMENT  
OF ACTION ON BEHALF OF INFANTS~~

Upon reading and filing the notice of motion dated January 12, 2009 and the affidavit of Chris and Tracie DeSpirito, the parents and natural guardians of William DeSpirito, the infant, executed on January 4, 2009; and the affirmation of Tracey L. O'Reilly, Esq., executed on January 12, 2009;

Now, on motion of Miller, Axline & Sawyer and The Sarcone Law Firm, PLLC, co-counsel and attorneys for Plaintiffs Chris DeSpirito, Tracie DeSpirito, and William DeSpirito, it is ORDERED

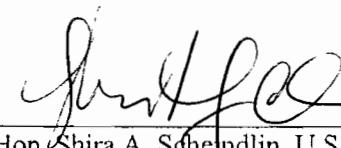
1. Chris and Tracie DeSpirito, as the parent having legal custody of the infant, William DeSpirito, be and are hereby authorized and permitted to compromise and settle the above-captioned action (the "Action") for and on behalf of William DeSpirito, against Defendants Sunoco, Inc. and Sunoco, Inc. (R&M) ("Sunoco") for an amount to be determined by the Honorable Samuel G. Friedman, the special Settlement Master retained by Plaintiffs to allocate the Aggregate Settlement Payment from Sunoco ("Settlement Payment") to the Plaintiffs in full settlement and discharge of four actions, including this action: *Armstrong, et al., v. Sunoco, Inc., et al.*, 2003-3717 (Supreme Court of the State of New York, Orange County);

*Abrevaya, et al. v. Sunoco, Inc. et al.*, 2003-7403 (Supreme Court of the State of New York, Orange County); *Tonneson, et al. v. Sunoco, Inc., et al.*, (United States District Court, Southern District of New York); and *Basso, et al. v. Sunoco, Inc., et al.*, 03 Civ. 9050 (United States District Court, Southern District of New York).

2. Within 30 days of entry of this Order Chris and Tracie DeSpirito, as the parents having legal custody of the infant, William DeSpirito, shall move this Court for an order dismissing William DeSpirito's claims against Defendant Sunoco with prejudice.

3. After this Court enters an Order dismissing, with prejudice, all Plaintiffs' claims against Defendant Sunoco in this action and after the Effective date has occurred pursuant to the terms of the Confidential Settlement Agreement, Sunoco shall cause the Aggregate Settlement Payment to be paid to the Attorney Trust Account of Duane C. Miller, Esq., which shall be transferred to the Attorney Trust Account of the Settlement Master after deduction of attorneys' fees and costs and which shall be allocated to each Plaintiff pursuant to the Settlement Agreement and as determined by the Settlement Master.

Dated JAN 23, 2009  
New York, New York

  
Hon. Shira A. Scheindlin, U.S.D.J.